

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION**

WRIT PETITION NO. 5668 OF 2005.

Shri Ashok D. Vibhute & ors... Petitioners.

V/s.

Smt. Sindhubai R. Chouhdary ... Respondents.

Shri S.A. Bhagwat for the petitioners.

CORAM : V.C.DAGA, J.

DATED : 30.11.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. Petitioner-tenant has suffered decree for eviction on the ground that the landlady needs the suit premises for her own use and occupation. The finding recorded by the lower appellate Court can be supported by the material available on record. The impugned order cannot be said to be perverse order. This Court not being a Court of appeal, is not expected to reappreciate evidence and substitute the finding of facts recorded by the Court below. In this view of the matter, the petition is devoid of any substance and the same is accordingly dismissed in limine with no order as to costs.

3. At this stage, learned Counsel for the petitioner prays for grant of 6 months time to

vacate the suit premises subject to filing usual undertaking. None appears for the respondents inspite of service.

4. Considering the request made, I feel prayer for grant of time appears to be reasonable. Accordingly, petitioner is granted 6 months time to vacate the suit premises, subject to filing usual undertaking within two weeks from today, to vacate the suit premises within the said prescribed period with further undertaking to pay agreed rent by way of occupation charges on or before 10th of every month; so long as he occupies the premises he shall not create third party interest in respect of the suit premises. Needless to mention that in the event petitioner fails to file usual undertaking in this Court within 2 weeks from today as indicated above, it would be open for the respondents to execute the decree in accordance with law.